REFORMING THE DECISION MAKING PROCESS FOR FOREST LAND PLANNING IN BRITISH COLUMBIA

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ROUND TABLE

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PREFACE

"Reforming The Decision Making Process For Forest Land Planning In British Columbia" was prepared by Dr. Thomas Gunton and Dr. Ilan Vertinsky as part of a project funded jointly by the British Columbia Forest Resources Commission and the British Columbia Round Table on the Environment and the Economy. It is part of a series of background reports dealing with issues which the Round Table considered important to the development of a sustainable development strategy in British Columbia. It is intended to provide information that will assist the dialogue between the Round Table and the public.

The Round Table has not endorsed the report. The information provided and conclusions reached in this document are those of the authors.

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EXECUTIVE SUMMARY

Reforming The Decision Making Process For Forest Land Planning In British Columbia

This background report focuses on the decision making process currently used in British Columbia for planning Crown lands under the Forest Act and evaluates alternatives.

The authors conclude that while the current forest land planning process has many attractive features, this decision making process needs to be improved. Several suggestions are provided including legislating the various elements of the process to provide consistency, improving notification and participation of stakeholders, providing stakeholder funding, creating an independent forest research centre and a mediation centre, providing written decisions, creating an appeal board, developing a common geographical information system and land use analysis guidelines, and improving the monitoring of plan implementation.

The report presents several alternative structures of allocating decision making authority including revising the status quo, involving the public in regional management committees, establishing an independent board, and providing decentralized authority.

1.0 INTRODUCTION

One of the principal issues in forestry in British Columbia is the management of land to support competing uses. The issue is so intense that the B.C. government appointed a special Wilderness Advisory Committee (WAC) in 1987 to investigate the conflict between wilderness and extractive uses. More recently, the Task Force on Environment and Economy identified land use management as the focus for much of the environmental concern in British Columbia. Concerns regarding land use conflict were also prevalent in the recent provincial government hearings on Tree Farm Licences (TFLs) and in the hearings conducted by the Forest Resources Commission (FRC).

While much of the discussion on land management deals with conflict in specific watersheds such as the Stein and Carmanah, the discussion has also focused on the nature of the decision making process. The WAC and the Task Force, for example, both recommended the need for a revised land use decision making process. Indeed, sound integrated land use planning depends on a good decision making process that ensures that diverse concerns of the various stakeholders and the public are adequately taken into account in the final decisions.

The purpose of this report is to synthesize the findings of a series of background studies analyzing the decision making process for crown land planning in British Columbia. The report begins with a brief discussion of the characteristics of the land use issue, followed by a discussion of the characteristics of an effective decision making process. The process currently used in British Columbia is evaluated relative to these criteria. Finally, several alternative land use decision making processes are evaluated. Those wishing more detail on particular points should refer to the relevant background paper.

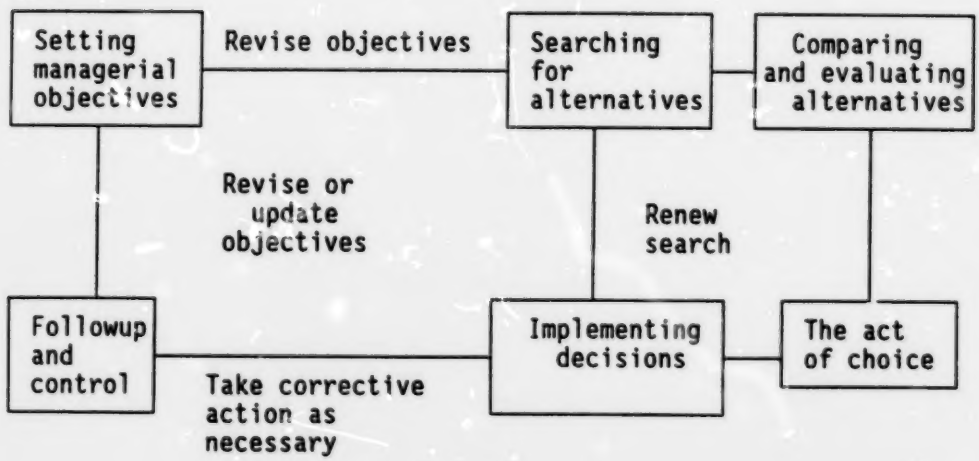
It should be emphasized that this paper deals only with the decision making process for land use allocation and management. It does <u>not</u> deal with forest policy issues such as tenure,

community development, logging practices, stumpage and silviculture per se. Nor does it deal with native land claims. While these issues are important, they are outside the terms of reference of this research paper. It should also be emphasized that the options outlined in this paper are presented in a conceptual fashion to stimulate discussion. Additional research is required to provide specific details necessary for implementation.

2.0 THE DECISION MAKING PROCESS

Decision making is normally described as a process moving through a sequence of steps. Goals and objectives are identified, options are evaluated and the best option is chosen and implemented. Impacts are then monitored to measure the success of the management strategy. The process continues as management strategies are revised in light of changing circumstances. The process is summarized in Figure 1.

Figure 1



Government decision making for public resources such as crown land is particularly complex. Democratic governments should be responsive to their electorate through what can

be termed "due process" protecting individual rights. The elements of due process are outlined below. At the same time, governments must reach efficient decisions in a timely manner at reasonable cost. The challenge is to develop a decision making structure that follows due process and is efficient.

3.0 ELEMENTS OF A GOOD DECISION MAKING PROCESS

More specifically the elements of a good public sector decision making process can be summarized as follows:

1. The decision making process should be formally structured through legislation or regulations. This will ensure that the process, information requirements, objectives and responsibilities of various participants are fully understood. Performance and accountability are easier to judge when the decision structure is explicit.

2. The decision making process should be based on sound information generated by appropriate analytical techniques. Suitable techniques for analyzing forest land use decisions are outlined in the accompanying report on methods of analysis. The comprehensiveness of information generated should be determined on the basis of costs and benefits of additional analysis.

3. Stakeholders, defined as those significantly affected by a decision, need to have the opportunity to participate effectively in the decision making process. In part, this is achieved by electing representatives through the formal political process. Given the lags between elections, the large number of issues and the sometimes tenuous link between elected representatives, their constituents and the bureaucracy, the formal electoral process can be improved by direct participation of stakeholders in individual decisions affecting their interest. Direct participation has several advantages. First,

stakeholders are able to provide decision makers with important information on issues such as goals and objectives and impacts of alternative management strategies. Second, by allowing stakeholders to participate directly in the process, potential conflict and opposition may be reduced. This increases the probability of formulating and implementing a sustainable management strategy.

Effective direct participation requires the following:

a) Stakeholders need information on the decision making process including timing, criteria and role of various actors in the process. Such information should be available in a comprehensive written document.

b) Stakeholders need adequate resources to participate.

c) Stakeholders need timely access to information utilized in the decision making process.

d) Stakeholders need formal and timely notification of all major upcoming decisions and the opportunities they have to participate in those decisions.

e) Stakeholders need an opportunity to present their input and to review and comment on the input of other participants.

f) Stakeholder participation should not be restricted to reacting to proposals. Instead, stakeholders need an opportunity to participate throughout the process. This can reduce potential conflict by ensuring early inclusion of stakeholders' concerns and identification of potential solutions in a constructive forum.

g) Decision makers should be obligated to provide stakeholders with a written decision summarizing how key decisions were reached and how the various concerns expressed by stakeholders were taken into account.

4. The decision making process should be efficient. Decisions should be reached in a timely manner at reasonable cost. Indefinite delays caused by excessive appeal processes and/or unclear delineation of decision making authority should be avoided. Also, information collection and analysis should be suited to the specific issues and problems encountered. A common deficiency in many decision making processes, for example, is to require a costly, comprehensive data inventory and analysis regardless of the issue at hand. The result is that substantial resources are expended collecting and analyzing superfluous information. The preferred option is a strategic decision making process that commences with a preliminary strategic overview which is utilized to focus further analysis on key issues as required.

5. The decision making process should be flexible enough to accommodate diverse land use management problems. This necessitates some degree of discretion. Discretion, however, should be exercised within a structured framework specifying the circumstances and criteria to be used in exercising discretion.

6. The decision making process should ensure an equitable outcome by providing compensation to stakeholders left worse off by a decision. If the decision is in the public interest, the benefits should exceed costs, leaving adequate resources to compensate those made worse off.

7. Those responsible for making the final decision must be impartial, adequately represent the broad public interest, possess relevant expertise and be directly or indirectly accountable through the democratic process to those affected by the decision.

8. Implementation of land use decisions should be monitored to measure the success of the management strategy. The monitoring process should be clearly prescribed and the results should be available to all interested parties.

9. An appeal process should be available to allow stakeholders to challenge land management decisions which contravene due process or are inconsistent with prescribed guidelines or objectives. The appeal process should be defined narrowly to ensure that the appeal is not used as a mechanism for simply transferring decision making authority to an appeal tribunal or causing lengthy and costly delays. The appeal tribunal should have expertise in land use management and administrative process.

10. Mediation and negotiation techniques should be utilized when possible to reduce conflict or achieve consensus. The process should encourage constructive conflict resolution as opposed to confrontation.

4.0 THE FOREST LAND PLANNING PROCESS

The legislative basis of forestry planning is contained in the Ministry of Forests Act which sets out the functions of the Ministry of Forests and the Forest Act which provides the legislative basis for managing crown land that is in Provincial Forests. Approximately 85% of the land base in British Columbia is subject to the Forest Act.

The MOF planning process is summarized in Figure 2. MOF is legally bound to prepare a ten year resource analysis plus an annual report outlining management priorities for the next five years. These plans include silviculture programs to increase the productivity of the forest base.

The MOF process calls for the establishment of regional priorities in consultation with government officials. To date, no comprehensive regional priorities have been established.

The next level of planning involves preparation of resource management plans for Timber Supply Areas (TSAs) and Tree Farm Licences (TFLs). Resource management plans provide the broad, 20 year management strategies for each TSA and TFL. These plans contain a summary of the major issues and objectives for the respective TSA/TFL, quantitative targets for timber, range, and recreation uses, and proposed management strategies for achieving these targets. MOF is obligated under section 4(c) of the Forests Act to incorporate timber as well as non-timber values in the planning process.

Currently, the preparation of a TSA plan is managed by a steering committee normally comprised of MOF staff and industry representatives. Sometimes representatives from other agencies are included. In response to a recommendation by the Forest Resource Commission, MOF decided to create district planning committees to prepare the plan. The district planning committees will be chaired by MOF staff with representatives from relevant government agencies. In future, the specific form of public involvement will be at the discretion of the district planning committee. It is currently at the discretion of MOF staff. The policy is to invite public input on the initial identification of issues and the draft TSA plan. Depending on the decisions of local staff, additional mechanisms for public involvement such as public meetings, workshops and task forces may be utilized. After public input is received, the draft

TSA plan is submitted to the Chief Forester of the province who has authority for its contents and approval.

The planning process for TFLs is similar to TSAs except that the TFL licence holder instead of a steering committee is responsible for preparing the TFL plan. The licence holder is obligated to notify the public when the initial issues and management objectives are identified and when the final draft TFL plan is ready for submission to the Chief Forester for approval. Input is also sought from relevant resource agencies. At each stage, the public has the right to review and comment on the relevant documents.

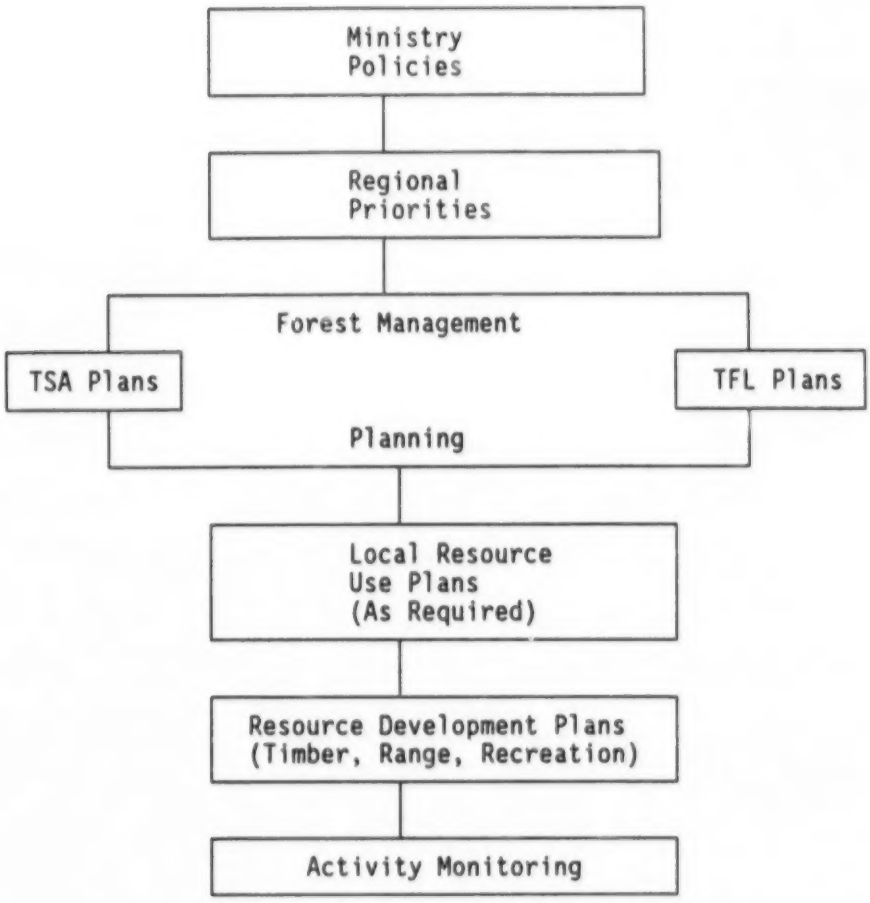
The next level of planning, termed local resource use planning, is undertaken for special resource problems within TSAs. At the discretion of MOF, a process may be initiated for these special issues involving the preparation of detailed integrated resource plans, often under the guidance of special advisory committees representing the various stakeholders. Examples of such planning efforts include the Trench plan and South Moresby plan. The responsibility for implementing local resource use plan recommendations may be handled by the district MOF manager, the Chief Forester or Cabinet, depending on the recommendation.

Resource development plans represent the most detailed level of the planning process. They are specific plans outlining the planned resource development for those sections of each TSA and TFL expected to be harvested over the next five years. Location of logging, logging guidelines and other specific proposals are included. These plans are prepared by MOF staff or the forest companies at the district level and are updated each year. These plans are available for public review and comment. Implementation of plans at the site level requires approval of pre-harvest silviculture prescriptions.

Figure 2

Ministry of Forests

Forest Planning Framework



5.0 EVALUATION OF B.C. FOREST PLANNING

5.1 Involvement of Stakeholders

a) Understanding the Process

Many stakeholders are poorly informed about the nature of the MOF land planning process. There are documents, such as Forest Planning Framework produced by MOF, that describe the existing planning process, but no single comprehensive document is available which describes the roles of various participants, the decision criteria employed and the process. Indeed, during the preparation of these studies, the study team had to expend considerable effort reviewing numerous documents and legislation and conducting interviews to understand the process. Even in instances where stakeholders have been invited to participate in a special advisory committee overseeing the preparation of a local resource plan, their roles have not been clear.

b) Notification

In the case of TSAs, forest industry and relevant government agencies guide development of five year TSA plans through their representation on the steering committee and the planning committee. In the case of TFLs, the resource management plan is prepared by the licensee and reviewed by relevant government agencies. Notification of other stakeholders, however, is not as effective. TFL holders are obligated to notify the public when issues are identified at the commencement of the TFL planning process and when the TFL draft plan is completed.

MOF normally notifies the public at the commencement of the TSA planning process. The guiding principle, however, is that if stakeholders want to be involved in the process, they will let agencies know. Although some MOF staff actively solicit broad stakeholder involvement by direct contacts with potential participants, there is no explicit requirement for this.

c) Extended Involvement

Forest industry stakeholders are fully involved in the preparation of TSA/TFL management plans. They have responsibility for developing the TFL plan and are involved in the preparation of TSA plans through their representation on the TSA steering committees. Various government agencies are also represented in the TSA steering and planning committees. They are not as actively involved in the TFL planning process. Both industry and government agencies are also represented in the more detailed local resource use planning process which is often guided by a special advisory committee.

Other stakeholders, however, are not provided with the same opportunity for extended involvement. In TFL planning, they are allowed to comment on issues identified at the commencement of the TFL planning process and on the draft TFL plan. They are not active participants in the plan development. In TSA planning, they are provided with the opportunity to comment, but are not normally directly involved through ongoing representation on TSA steering committees or the planning committees. At the discretion of MOF they may be invited to participate in special advisory committees created to prepare a local resource plan. The public is encouraged to review and comment on the more

detailed resource development plans outlining proposed harvesting guidelines for the areas of the TFL and TSA to be logged. There is no opportunity for extended involvement in preparation of these detailed resource development plans.

d) Resources to Participate

Major stakeholders such as the forest industry and government agencies have resources to participate in the planning process. Many stakeholders, however, have inadequate resources to review draft plans, let alone participate fully in plan development. Unlike their industry and government colleagues, representatives of environmental groups, for example, do not have sufficient budgets to hire a large staff of experts. Overall, there is significant inequality between stakeholders' abilities to participate.

e) Information Availability

MOF released a new policy explicitly providing for the disclosure of non-confidential information to stakeholders in December, 1989. The implementation of this policy is constrained by insufficient resources to generate and provide the information requested. There is also some concern regarding the definition of confidential information. Unlike more formal hearings, stakeholders do not have a formal right to request other stakeholders or government agencies to undertake special studies to provide relevant information. The problem is most acute for TFLs where licensees are allowed to keep basic management information such as growth and yield data confidential on the grounds that it is proprietary corporate information.

f) Written Decisions

MOF policies stipulate that MOF staff must give written reasons justifying decisions not to implement public recommendations. This is not effectively implemented. Also, justification of decisions by the Chief Forester on the proposed TSA and TFL management plans or local resource use plans is not provided in a comprehensive document outlining the criteria utilized, the reasons for the decision and the response to stakeholders' concerns. Consequently, it is difficult for stakeholders to ascertain why decisions were made and how their concerns were dealt with.

5.2 Explicit Decision Making Framework

Although many aspects of the planning process such as the requirement to prepare working plans are contained in legislation, some planning procedures employed by MOF such as the access to information policy, the public participation program, decision making criteria and analytical requirements for plan preparation are provided in policy documents lacking legal force or certainty. Consequently, important aspects of the decision making process are not formally structured in legislation and/or regulations. This allows for a high degree of administrative discretion.

5.3 Methods of Analysis

The analytical techniques utilized by MOF are outlined in the accompanying final report on methods of analysis. The major deficiencies of the current analytical process are the unsystematic assembly of information by the relevant agencies, the ad hoc

nature of issue identification and the lack of a comprehensive framework which reconciles assumptions and values in an explicit fashion suitable for assessing tradeoffs.

5.4 Representative Decision Maker

Ultimately, provincial Cabinet has the responsibility for making land management decisions. Cabinet and the legislature are designated representatives of the public interest. There is some debate on the appropriate allocation of decision making powers between central democratic institutions representing the provincial interest and local democratic institutions representing regional interests.

Although Cabinet retains its role in broad land use allocation decisions involving the classification of land into parks or provincial forests, much of the decision making power has been delegated directly to civil servants such as the Chief Forester who approves TSA and TFL management plans. The Chief Forester is required under the Forest Act to consider timber and non-timber values. The extent to which the Chief Forester is able to represent adequately all these various stakeholder interests is debatable. Although the interests of other agencies and stakeholders representing environment and wildlife concerns are be taken into account, MOF is a line agency with a dominant orientation. It is clearly unfair to expect its members to represent adequately all stakeholder interests.

5.5 Efficiency

Overall, the preparation of resource management plans is efficient. Plans are prepared in a timely and cost efficient manner following a strategic planning process. Broad

strategic overviews are prepared for TSAs and TFLs and more detailed plans on specific issues and conflicts are prepared as required.

5.6 Equity

The only formal provision for compensation is for holders of timber licences who experience a reduction in the license area resulting in a reduction of the AAC of more than 5%. Although special arrangements for compensation have been made in cases such as the creation of the national park on the Queen Charlotte Islands, there is no formal mechanism providing compensation for forest workers laid off as a result of management decisions or other user groups such as trappers or fishermen who are negatively affected by logging. The issue of compensation, however, is a complex issue beyond the parameters of this report. Suffice it to say that the issue of compensation deserves a comprehensive review.

5.7 Monitoring

In a recent Ombudsman report, concerns were raised about the adequacy of monitoring land management. Indeed, a recent study of logging on Lyell Island showed widespread infractions. Clearly, resources available for monitoring are inadequate.

5.8 Flexibility

The MOF planning process is flexible. Unique planning processes can be created to accommodate diverse planning problems within a comprehensive planning framework. As the creation of the Wilderness Advisory Committee and the Forest Resources

Commission indicate, there is also adequate provision for unique initiatives outside the MOF planning process.

5.9 Appeal

There is no provision for appeal of planning decisions to any independent third party when process or policy has been contravened, other than the normal appeal to courts on questions of law and jurisdiction.

5.10 Mediation

There is no adequate mechanism for training or providing expert mediators to assist in forest land planning. Unfortunately, the decision making process is characterized by confrontation as opposed to cooperative negotiation.

6.0 REFORMING THE DECISION MAKING PROCESS

The forest land planning process in B.C. has many attractive features. Nonetheless, as the previous section on evaluation indicates, the existing forest planning process can be improved. The following proposals are made for more effective decision making for land use planning.

1) The elements of the decision making process including the roles of participants, procedures, planning objectives, decision criteria and analytical requirements should be incorporated in a legislative framework providing a clear and consistent decision making structure. Incorporating existing policies on public participation and access to information, for example, into legislation would

improve clarity and accountability. Care should be taken to ensure that the legislative framework provides sufficient administrative discretion and flexibility to adjust to different circumstances. Regulations approved by Cabinet, for example, are more flexible than legislation which must be passed by the legislature. The scope of discretion should be carefully specified in the legislative framework.

2) The principal mechanism for land management should be an officially approved TSA/TFL regional resource plan outlining the allocation of land between alternative uses, zoning guidelines enforcing land use allocation, management guidelines regulating activities in each zone and resource development targets such as the AAC. The plan would be an extension of existing TSA/TFL resource management plans. Regional boundaries, however, may have to be adjusted to facilitate effective regional planning. The approved plan would have legal force and a clearly defined process for amendment. More detailed resource development and operating plans would be prepared within the parameters of the TSA/TFL plans by MOF staff.

3) The decision making process should be outlined in a comprehensive and comprehensible document and an education program should be implemented to inform stakeholders of the nature of the process and the opportunity they have to participate.

4) Notification requirements should be incorporated into legislation. Such requirements should ensure sufficient notification for all important forest land planning decisions including the initiation of various stages in the TSA and TFL planning process, the initiation of various stages in any local resource use plans

and in resource development plans. Notification requirements should be extended to cover non-forestry planning activities such as mining, energy development, parks and large development projects. Notification should outline the opportunities to participate and invite participants to become involved. Notification should also require that all major stakeholders expressing interest are separately contacted and informed of the process.

5) Stakeholders should have a reasonable opportunity to participate in the development of plans throughout all stages of the planning process. Stakeholder representatives should be invited to participate directly in planning committees.

6) The B.C. Participation Fund should be created to assist stakeholders with a significant interest in a particular plan who have insufficient resources to become involved in the planning process. The fund should be managed by a separate provincial agency independent of the planning process. Allocation of funds should be based on explicit criteria developed in collaboration with provincial stakeholder groups. Criteria employed by various agencies such as the Ontario Energy Board which provide intervener funding could assist in the development of funding guidelines to ensure a reasonable and fair allocation of funding.

7) Stakeholders need improved access to information. This could be accomplished by comprehensive provincial freedom of information legislation and provision of sufficient resources to MOF to respond to information requests.

8) An independent, endowed forest management research centre should be created to undertake independent research on behalf of stakeholders and the public.

Such research would allow stakeholders to be more effective participants in the planning process.

9) A provincial mediation centre should be created to provide independent expert mediators to participate in various planning committees to assist them in resolving disputes.

10) Although efforts should be made to achieve a consensus, stakeholders still require a forum in which they can question assumptions and state positions prior to final plan approval. To achieve this objective, proposed TSA/TFL resource plans should be reviewed through a formal public hearing prior to approval, if there is sufficient interest. The public hearing should be structured to allow stakeholders to present input and review and comment on the input of others including those submitting the TSA/TFL plan. Because the more detailed resource development and operating plans would be prepared within the parameters of the TSA/TFL plans, they need not be subject to the same hearing process.

11) The approval of TSA/TFL resource plans should be provided in written decisions outlining the reason for the decision, the criteria employed and the response to various stakeholder input. All participants should receive the written decision and be informed of the opportunities they have to appeal the decision.

12) A new Resource Appeal Board should be created to hear appeals from the public. The basis of appeals should be narrowly defined to include only questions of compliance with due process in plan formulation and compliance

with officially approved planning guidelines. The creation of this specialized appeal board will expedite planning by keeping the appeals out of the normal judicial process. Appeal procedures should be expeditious to avoid costly and lengthy delays.

13) A common geographical information system and comprehensive guidelines for analysis of land use options similar to those used by the U.S. Water Resources Council should be prepared. The guidelines should be based on a multiple accounts framework which incorporates all relevant factors into the analysis. The guidelines should also summarize the circumstances in which various analytical methods should be employed. An iterative process in which less expensive techniques such as biophysical overlays are used to provide an initial assessment of potential land use conflicts and more advanced techniques such as multiple accounts are used only as required for complex conflicts is preferred. (For more discussion of these points, the companion report on methods of analysis should be consulted. See Gunton and Vertinsky, Methods of Analysis for Forest Land Use Allocation.)

14) Sufficient resources should be made available for monitoring the implementation of TSA/TFL resource plans. Mechanisms such as publication of annual performance reviews and the right of stakeholders to challenge non-compliance through the Resources Appeal Board should be utilized.

7.0 REFORMING DECISION MAKING AUTHORITY

The previous section contained proposals for improving the decision making process. Regardless of the process employed, someone has to be given the responsibility for making the

final decision. Several alternative structures for allocating decision making authority are summarized below. The alternatives have been developed on the basis of a review of other jurisdictions, previously existing structures in British Columbia such as the Environmental and Land use Committee (ELUC) secretariat and regional resource management committees used in the 1970's and various proposals for reforming the B.C. planning system.

7.1 Revised Status Quo

The current system of decision making for forest land planning incorporating the proposals outlined in section 6.0 is summarized in Figure 3 . In this system, approval of TSA/TFL plans still resides with the Chief Forester. Responsibility for preparing the TSA and TFL resource plans is held by the TSA district planner and the TFL licence holder respectively. The key changes from the status quo include the Resource Appeal Board which hears appeals on questions of process and compliance, the B.C. Participation Fund which provides assistance to stakeholders, the B.C. Mediation Centre which provides expert mediation services and the B.C. Forest Research Centre. The major change in process is that the Chief Forester or designate is required to conduct a formal public hearing prior to TSA/TFL plan approval if warranted by sufficient interest. Some potential advantages and disadvantages are as follows:

Advantages:

1) The structure of authority results in timely decisions at reasonable cost.

2) The decision maker (Chief Forester) has expertise in resource management.

3) The decision maker has a provincial perspective.

4) The decision maker is politically accountable to Cabinet.

5) Decision making and implementation is delegated to the same agency (MOF). Implementation may be more effective.

6) This option involves minor changes. The risk and uncertainty for investors is therefore low.

Disadvantages

1) The decision maker is not accountable directly to regional interests which may be most affected by the decision.

2) The Chief Forester and the steering committees may not adequately represent non-forestry concerns which should be incorporated into the decision.

3) The TFL licence holder does not adequately represent broad stakeholder concerns.

4) Relative to the other options considered in this report, the decision making process is still somewhat closed with decisions being made in a government department through a normal hierarchical process. The reduced pressure to justify decisions in an open public forum can reduce the quality of decision making and analysis. Also, traditional government decision making can be more susceptible to special interest group lobbying.

7.2 Regional Resource Management Committees

This option is summarized in Figure 4. The revisions include incorporating broader stakeholder representation on the steering committee, renamed the Regional Resource Management Committee (RRMC) and utilizing the steering committee and interagency planning committee structure for preparing TFL as well as TSA plans. Representation on the steering committee could be by election or appointment by the province.

The advantages and disadvantages of this option are similar to the revised status quo option discussed above. The principal advantage of this proposal relative to the revised status quo is that it broadens the perspective in preparing TSA/TFL plans by including the public in the RRMCs. The disadvantage is that it may increase the uncertainty and difficulty of preparing TSA/TFL plans.

7.3 Independent Board

Under this option, the TSA/TFL plan would still be prepared at the regional level under the direction of the Regional Resource Management Committee. The difference between this proposal outlined in Figure 5 and the previous two proposals is that TSA/TFL resource plan approval has been transferred from MOF to a new B.C. Integrated Resource Planning Board appointed by the Lieutenant Governor and representing various agency and stakeholder interests. Expertise in resource planning and administration would be the basis for appointment. The Board would also have a professional staff likely comprised of transfers from existing government departments. Plan approval would be made after a hearing on the proposed TSA/TFL plan in the respective regions. In cases where there is insufficient interest, the Board could approve the plan without a hearing. Responsibility for approval of more detailed resource development plans would be retained at the regional level either through the RRMCs or MOF staff.

The hearing would follow the normal hearing process used by agencies such as the B.C. Utilities Commission and the National Energy Board including full disclosure of all information utilized in making the decision, submission of information requests, submission of evidence and final argument, right to cross examination and written decisions. Potential advantages and disadvantages are as follows:

Advantages:

1) Relative to the other options, the decision making process is more open and formal. The necessity to justify positions in an open forum may increase the quality of analysis and reduce the likelihood of special interest group lobbying of decision makers. Such lobbying would be prohibited by law.

2) The decision would be made by experts after reviewing all the relevant evidence.

3) Due to the composition of the Board, the decision should better reflect broad stakeholder interests.

4) The Board is a province-wide agency which should have a provincial perspective.

Disadvantages:

1) The formal hearing process could result in more lengthy and costly decision making.

2) Independent Boards can be less politically accountable than normal government departments. This could also be an advantage because it can result in less short term, politically motivated decision making.

3) This process could increase the uncertainty involved in resource allocation. Increased uncertainty could deter investment.

4) Like the previous two options, a provincial board may not be sensitive to regional interests.

7.4 Decentralized Authority

The difference between this proposal outlined in Figure 6 and previous proposals is that final decision making authority for plan approval resides with the RRMC. Potential advantages and disadvantages of this proposal include the following:

Advantages:

1) Decision makers are sensitive to regional interests.

2) Decision making should be less costly and lengthy because the requirement for additional reviews by outside approving agencies is eliminated.

3) Regional approval by broadly based steering committees could better represent broader, non-timber stakeholder interests that the Chief Forester.

4) Plan implementation could be more effective because implementation and approval would be handled at the regional level.

Disadvantages:

1) Decision making could be less sensitive to the provincial interest than the other proposed options.

2) The decision making process would be more closed than an open hearing process. Consequently, it would be more susceptible to interest group lobbying.

3) Additional resources would have to be provided to regional planners to ensure adequate analysis.

8.0 CONCLUSION

MOF has a comprehensive process for planning and managing the province's land base. MOF has made a concerted effort to improve this process in recent years by developing public participation programs and new integrated planning techniques. MOF deserves credit for its efforts, especially considering the limited resources at its disposal.

Despite these efforts, there are additional changes in the process which should be considered. The process should be outlined more explicitly in a legislative framework that provides certainty as well as sufficient flexibility to adapt to changing circumstances. An education program should be implemented to inform the public of the process. More effort should be made to notify the public of proposed planning exercises and invite their participation throughout the development of the plan. The participants should be provided with sufficient resources and access to information.

Mediators should be provided to expedite plan formulation and final TSA/TFL plan approval should be subject to a public hearing if warranted by sufficient interest. The decision makers should provide detailed written decisions. Adequate resources should be provided to monitor and enforce plan implementation and comprehensive guidelines for analysis of land use options need to be prepared.

Regardless of the process utilized, the key issue is who has decision making power. Four options are presented to help resolve this. Each option contains a new Appeal Board to hear challenges on questions of process and compliance. Each option also includes broader representation in the decision making process. All four options are viable. The choice

between them depends on the tradeoff between centralized and decentralized authority and due process and administrative efficiency.

The case for more decentralized decision making is that regional residents are the most affected by regional planning decisions. Consequently, regional residents would have a stronger incentive than central authorities to manage the regional resources to meet regional needs. The case for more centralized decision making is that regional decisions impact on the province as a whole. Important provincial impacts could be ignored by regional residents.

All four structures proposed have elements of decentralization including regional steering committees, district planning committees and public participation. There is also an element of centralization in all proposals. Provincial government staff sit on district planning committees and regional steering committees and the process is conducted within the provincial legislative framework. Nonetheless, the options give different weights to provincial versus regional interests. The proposals also differ in the degree to which they involve the public in the decision making process. The tradeoff is between the objectives of due process and the costs of more complex and uncertain decision making.

It is clear that the current decision making process needs to be improved. Failure to reform the system may lead to increased conflict that itself creates uncertainty and discourages economic activity. While each of the options in this report involves significant changes, they are all viable means for improving forest land planning.

Figure 3

Revised Status Quo

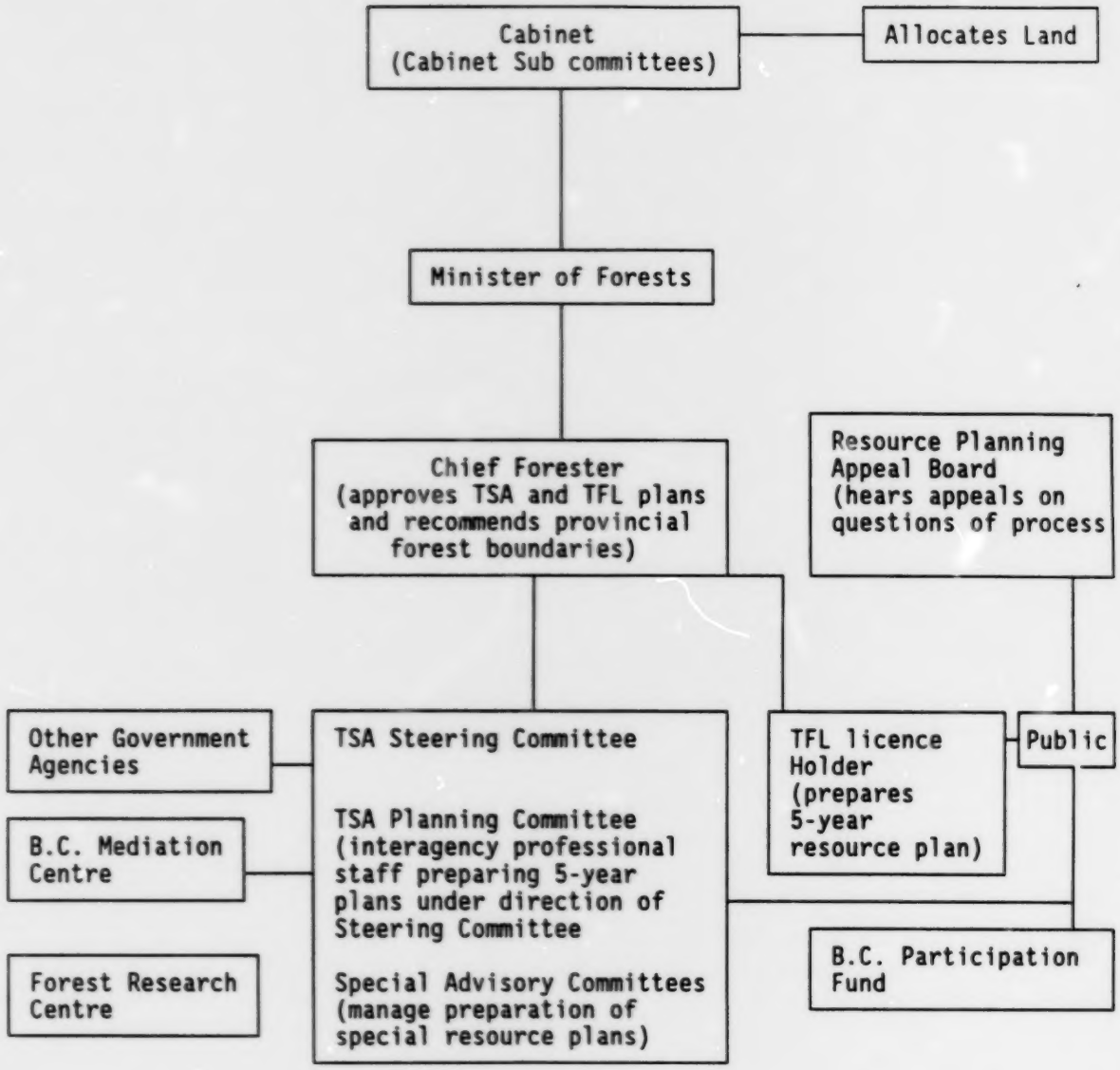
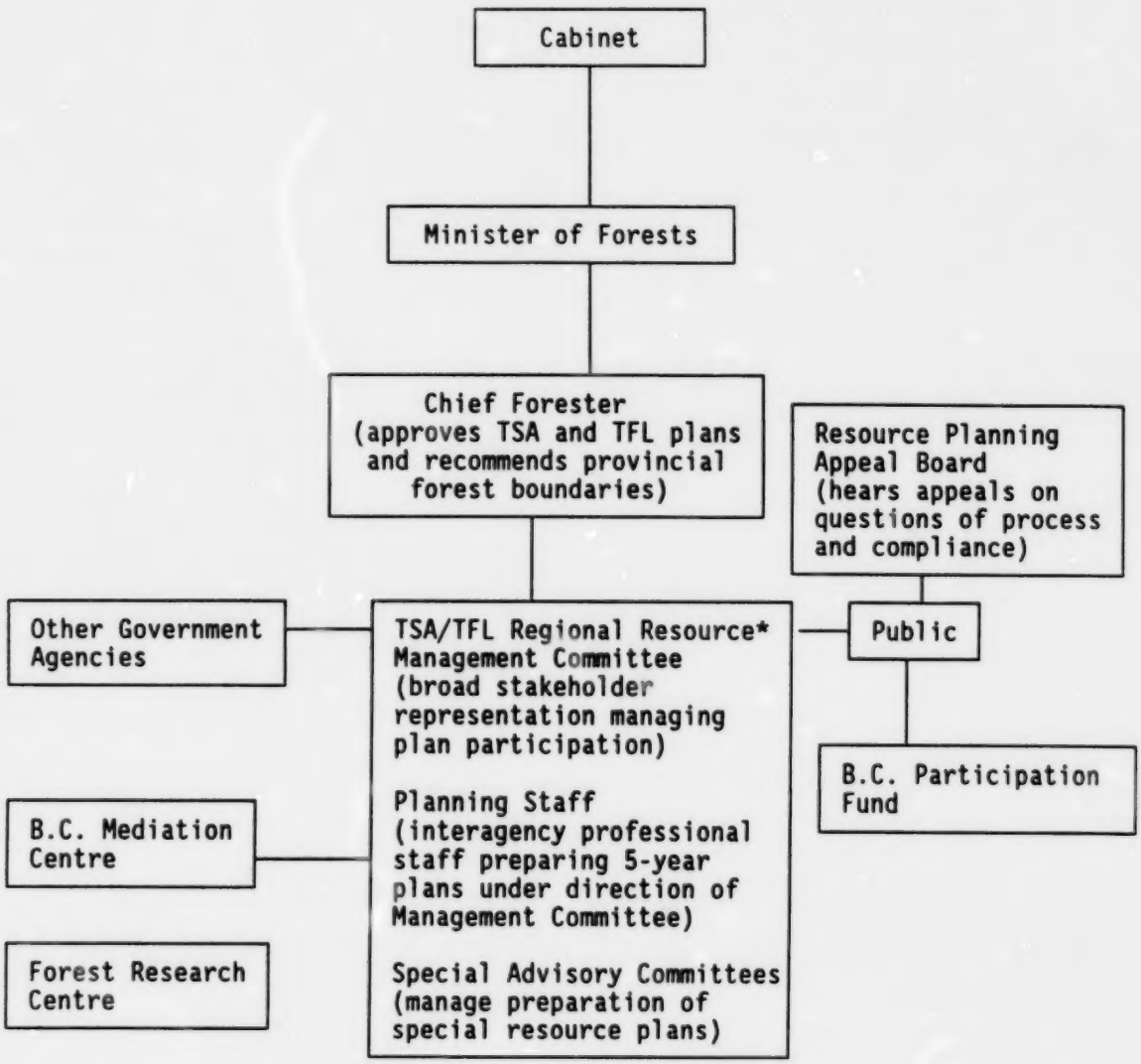


Figure 4

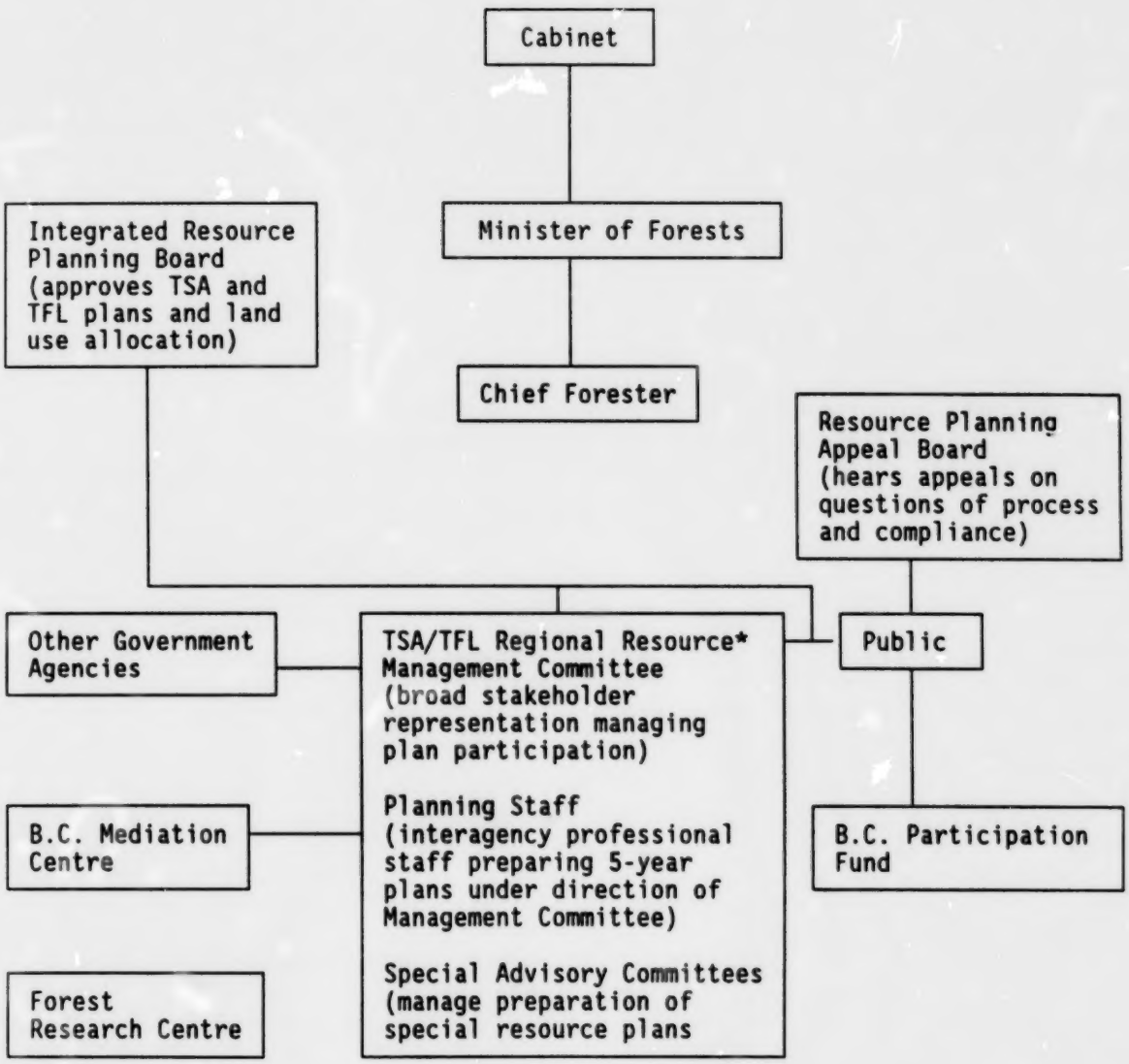
Regional Resource Management Committees


Cabinet
Minister of Forests
Chief Forester (approves TSA and TFL plans and recommends provincial forest boundaries)
Resource Planning Appeal Board (hears appeals on questions of process and compliance)
Other Government Agencies
TSA/TFL Regional Resource* Management Committee (broad stakeholder representation managing plan participation)
Planning Staff (interagency professional staff preparing 5-year plans under direction of Management Committee)
Special Advisory Committees (manage preparation of special resource plans)
Public
B.C. Participation Fund
B.C. Mediation Centre
Forest Research Centre

* may be elected, appointed or some combination thereof

Figure 5

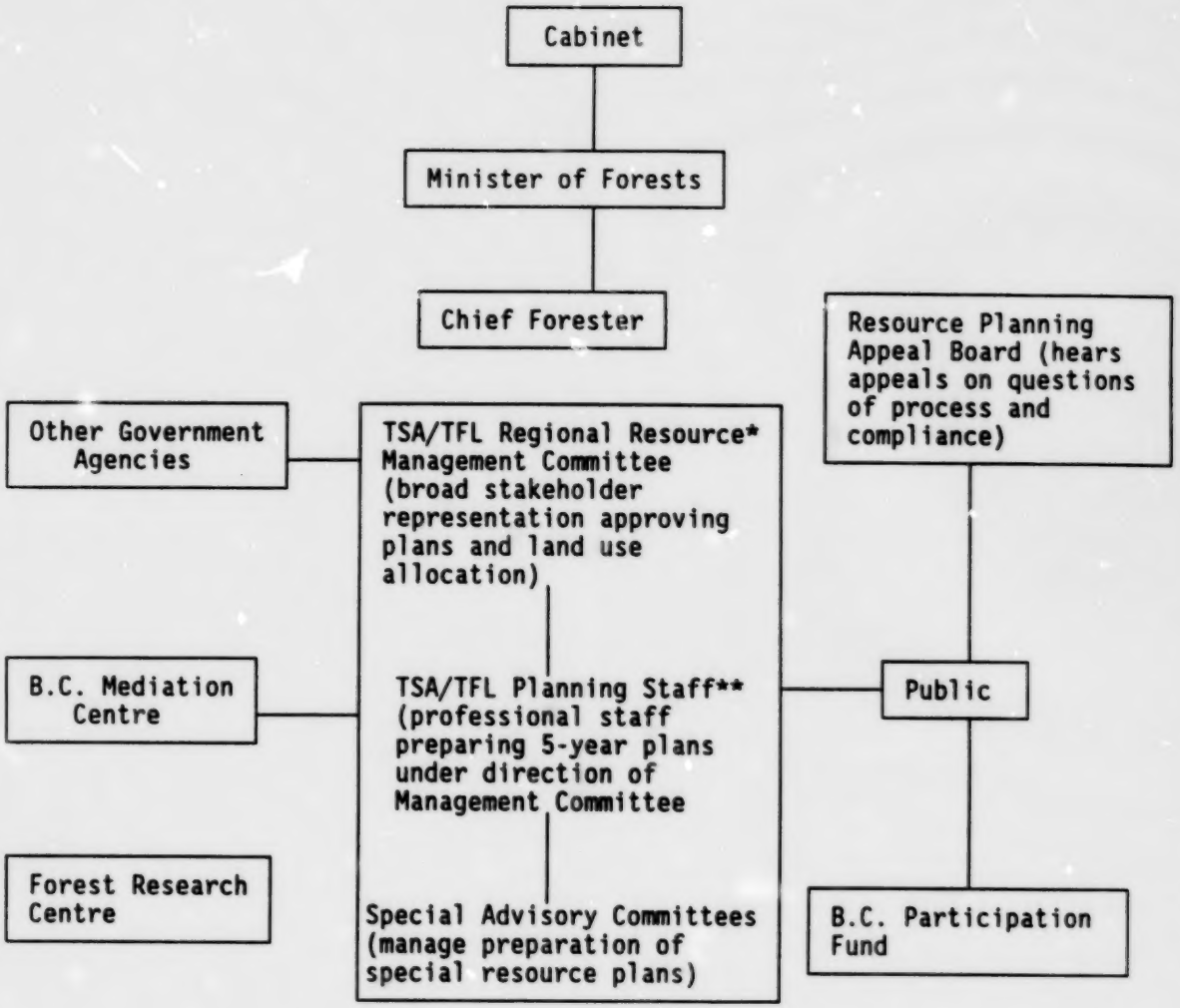
Independent Board


Cabinet
Minister of Forests
Chief Forester
Integrated Resource Planning Board (approves TSA and TFL plans and land use allocation)
Resource Planning Appeal Board (hears appeals on questions of process and compliance)
Other Government Agencies
B.C. Mediation Centre
Forest Research Centre
TSA/TFL Regional Resource* Management Committee (broad stakeholder representation managing plan participation)
Planning Staff (interagency professional staff preparing 5-year plans under direction of Management Committee)
Special Advisory Committees (manage preparation of special resource plans
Public
B.C. Participation Fund

* may be elected, appointed or some combination thereof

Figure 6

Decentralized Authority


Cabinet
Minister of Forests
Chief Forester
Resource Planning Appeal Board (hears appeals on questions of process and compliance)
Other Government Agencies
TSA/TFL Regional Resource* Management Committee (broad stakeholder representation approving plans and land use allocation)
B.C. Mediation Centre
TSA/TFL Planning Staff** (professional staff preparing 5-year plans under direction of Management Committee
Public
Forest Research Centre
Special Advisory Committees (manage preparation of special resource plans)
B.C. Participation Fund

* may be elected, appointed or some combination thereof
** may be interagency planning task force or separate planning staff reporting to Regional Resource Management Committee